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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,746	02/04/2004	Clay Fisher	Sony-06500	3656
36813	7590	07/13/2005	EXAMINER	
O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC. 400 CAPITOL MALL SUITE 1550 SACRAMENTO, CA 95814			TAYLOR, NICHOLAS R	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/771,746

Applicant(s)

FISHER, CLAY

Examiner

Nicholas R. Taylor

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/1/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 have been examined and are rejected.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 and 10-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hallam-Baker (US PGPub 2004/0205135.)

4. As per claims 1 and 16, Hallam-Baker teaches a method comprising:

detecting an electronic message;

detecting an originating server associated with the electronic message;

confirming with the originating server that the originating server sent the electronic message;

determining a trustworthy status of the originating server; and (Hallam-Baker, paragraphs 0008 and 0009)

selectively presenting the electronic message to a recipient device based on the trustworthy status of the originating server (Hallam-Baker, paragraph 0023.)

5. As per claim 2, Hallam-Baker teaches the system further wherein the electronic message includes text (Hallam-Baker, paragraph 0008 in the use of the e-mail format.)

6. As per claim 3, Hallam-Baker teaches the system further wherein the electronic message includes graphics (Hallam-Baker, paragraph 0008 in the use of the e-mail format.)

7. As per claim 4, Hallam-Baker teaches the system further wherein the electronic message includes an identifier that uniquely identifies the originating server (Hallam-Baker, paragraph 0009.)

8. As per claim 5, Hallam-Baker teaches the system further wherein the electronic message includes a digital certificate that uniquely identifies the originating server (Hallam-Baker, paragraph 0008.)

9. As per claim 6, Hallam-Baker teaches the system further comprising updating the trustworthy status of the originating server based on third party ratings of the originating server (Hallam-Baker, paragraph 0014.)

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10. As per claim 7, Hallam-Baker teaches the system further comprising updating the trustworthy status of the originating server based on feedback from the recipient device (Hallam-Baker, paragraph 0014.)

11. As per claim 8, Hallam-Baker teaches the system further wherein selectively presenting further comprises selectively displaying the electronic message on the recipient device based on the trustworthy status of the originating server (Hallam-Baker, paragraph 0023.)

12. As per claim 10, Hallam-Baker teaches the system further comprising storing the trustworthy status within a storage device (Hallam-Baker, paragraph 0022.)

13. As per claim 11, Hallam-Baker teaches the system further comprising searching for the trustworthy status of the originating server (Hallam-Baker, paragraph 0021.)

14. As per claim 12, Hallam-Baker teaches the system further wherein the recipient device is a computer (Hallam-Baker, paragraph 0051.)

15. As per claim 13, Hallam-Baker teaches the system further wherein the recipient device is a cellular phone (Hallam-Baker, paragraphs 0035 and 0051.)

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16. As per claim 14, Hallam-Baker teaches the system further wherein the recipient device is a personal digital assistant (Hallam-Baker, paragraph 0051.)

17. As per claim 15, Hallam-Baker teaches the system further wherein selectively presenting further comprises selectively transmitting the electronic message on the recipient device based on the trustworthy status of the originating server (Hallam-Baker, paragraph 0023.)

18. As per claims 17, 26, and 30, Hallam-Baker teaches a method comprising:

- detecting an electronic message;
- detecting an originating server associated with the electronic message;
- confirming with the originating server that the originating server sent the electronic message;
- matching an identity of the originating server with a record that contains information regarding the originating server; and (Hallam-Baker, paragraphs 0008 and 0009)
- selectively delivering the electronic message to a recipient based on information contained within the record (Hallam-Baker, paragraph 0023.)

19. As per claim 18, Hallam-Baker teaches the system further wherein matching further comprises matching the recipient of the electronic message with a recipient identity of the record (Hallam-Baker, paragraph 0014.)

20. As per claims 19 and 27, Hallam-Baker teaches the system further wherein the information within the record includes a trustworthy status of the originating server (Hallam-Baker, paragraph 0014.)

21. As per claim 20, Hallam-Baker teaches the system further wherein the information within the record includes a third party rating of the originating server (Hallam-Baker, paragraph 0014.)

22. As per claim 21, Hallam-Baker teaches the system further wherein the information within the record includes a recipient request of the originating server (Hallam-Baker, paragraphs 0014-0015 and 0023.)

23. As per claim 22, Hallam-Baker teaches the system further comprising forming a new record including an identity information of the originating server and the recipient (Hallam-Baker, paragraphs 0014-0015 and 0023.)

24. As per claim 23, Hallam-Baker teaches the system further wherein the new record further includes the trustworthy status of the originating server (Hallam-Baker, paragraph 0014.)

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25. As per claims 24 and 28, Hallam-Baker teaches the system further comprising selectively delivering the electronic message to a device operated by the recipient based on the trustworthy status (Hallam-Baker, paragraph 0023.)

26. As per claim 25, Hallam-Baker teaches the system further comprising selectively displaying the electronic message on a device operated by the recipient based on the trustworthy status (Hallam-Baker, paragraph 0023.)

27. As per claim 29, Hallam-Baker teaches the system further comprising an interface module for transmitting the information to the device (Hallam-Baker, paragraph 0014.)

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hallam-Baker (US PGPub 2004/0205135) and Wang et al. (US PGPub 2004/0203589.)

30. As per claim 9, Hallam-Baker teaches the above yet fails to teach assigning a digital certificate to the originating device.

Wang teaches assigning digital certificates to sending devices in a trusted email system (Wang, paragraphs 0018 and 0022.) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Hallam-Baker and Wang to provide the trusted certificate system of Wang in the system of Hallam-Baker, because doing so would provide an effective way of managing junk messages (Wang, paragraph 0006.)

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes US PGPubs 2002/0133469 and 2004/0148356, and US Patent 6,760,752.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharra can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER